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(212) 935-3000

Attorneys for Australian Gold

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

S & L VITAMINS, INC., Plaintiff,	:	05 CV1217 (JS) (MLO)
vs.	:	
AUSTRALIAN GOLD, INC., Defendant.	:	**NOTICE OF MOTION FOR ADMISSION PRO HAC VICE OF SCOTT MATTHEWS, ESQ. AND MICHAEL A. WUKMER, ESQ.,**

PLEASE TAKE NOTICE that upon the annexed Declaration of Francis J. Earley dated July 6, 2005, the Declaration of Michael Wukmer dated June 27, 2005, the Declaration of Scott Matthews dated June 27, 2005, and the exhibits annexed thereto, Scott Matthews will move this Court before the Honorable Joanne Seybert at the United States District Court, Alfonse M. D'Amato Federal Building, 1034 Federal Plaza, Central Islip, New York 11722, on July 14, 2005, or as soon thereafter as counsel may be heard, for an Order pursuant to Rule 1.3(c) of Local Civil Rules of this Court admitting Messrs. Wukmer and Mathews pro hac vice for all

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purposes in this matter as counsel for defendant Australian Gold, Inc. A proposed Order of Admission Pro Hac Vice is attached hereto.

Dated: July 6, 2005
New York, New York

MINTZ LEVIN COHN FERRIS
GLOVSKY and POPEO, P.C.

By: [signature]
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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

S & L VITAMINS, INC., Plaintiff, vs. AUSTRALIAN GOLD, INC., Defendant.	:	05 CV1217 (JS) (MLO) **DECLARATION OF FRANCIS J. EARLEY IN SUPPORT OF MOTION FOR ADMISSION PRO HAC VICE OF OF SCOTT MATTHEWS, ESQ. AND MICHAEL WUKMER, ESQ.**

FRANCIS J. EARLEY, pursuant to 28 U.S.C. § 1746, deposes and says:

1. I am a member in good standing of the bars of the State of New York and of the United States District Court of the Eastern District of New York. I am associated with Mintz Levin Cohn Ferris Glovsky and Popeo, P.C., ("Mintz Levin"), attorneys for defendant Australian Gold, Inc. in the above-captioned matter. I submit this affirmation in support of the motion for admission pro hac vice of Michael Wukmer, a member of the Indiana bar who is member of the law firm Ice Miller in Indianapolis, Indiana and Scott Matthews, a member of the Indiana bar who is associated with the law firm Ice Miller in Indianapolis, Indiana.

2. As is set forth in the annexed Declaration of Michael Wukmer, dated June 27, 2005, he is a member in good standing of the bar of the State of Indiana; is familiar with the business of defendant and with the facts and the circumstances of this case; and will abide by all of the procedural and ethical rules applicable in this Court. Further, Defendant would like to be

represented by Mr. Wukmer in this matter. Attached to Mr. Wukmer's declaration, as Exhibit A, is his Certificate of Good Standing issued to him by the State of Indiana on May 24, 2005.

3. As is set forth in the annexed Declaration of Scott Matthews, dated June 27, 2005, he is a member in good standing of the bar of the State of Indiana; is familiar with the business of defendant and with the facts and the circumstances of this case; and will abide by all of the procedural and ethical rules applicable in this Court. Further, Defendant would like to be represented by Mr. Matthews in this matter. Attached to Mr. Matthews' declaration, as Exhibit A, is his Certificate of Good Standing issued to him by the State of Indiana on May 24, 2005.

4. For these reasons, I respectfully request that the Court execute the annexed proposed Order of Admission Pro Hac Vice and thereby admit Messrs. Wukmer and Matthews pro hac vice in this action, pursuant to Rule 1.3 of the Local Civil Rules of this Court.

5. Mr. Robert Coleman, opposing counsel, consents to the granting of this motion.

6. I declare under penalty of perjury that the foregoing is true and correct. Executed on July 6, 2005.

Francis Earley

Francis J. Earley

NYC 326620v1

Francis J. Earley (FE-7520)
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(212) 935-3000

Attorneys for Australian Gold, Inc.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

S & L Vitamins, Inc., Plaintiff,	05 CV1217 (JS) (MLO)
vs.	
Australian Gold, Inc., Defendant.	**DECLARATION OF MICHAEL A. WUKMER IN SUPPORT OF MOTION FOR PRO HAC VICE ADMISSION**

MICHAEL A. WUKMER, pursuant to 28 U.S.C. § 1746, declares:

1. I am a member of the law firm of Ice Miller, Indianapolis, Indiana, attorneys for defendant Australian Gold, Inc. in the above-captioned matter. I submit this declaration in support of my application for admission pro hac vice.

2. I graduated from the University of Cincinnati College of Law in 1984. I was admitted to the bar of the State of Indiana-Indiana Supreme Court in 1984. I have also been admitted to practice in the United States District Court for the Southern District of Indiana in 1984, Northern District of Indiana in 1984, Northern District of Illinois, 2002, Federal Circuit Court of Appeals, 1985, Eastern District of Michigan, 1996, Seventh Circuit Court of Appeals 1996 and Tenth Circuit Court of Appeals, 2003. I have remained in good standing in all of these jurisdictions since the dates of my admission. Attached hereto as Exhibit A is my Certificate of Good Standing issued by the State of Indiana on May 24, 2005.

3. I have never been held in contempt by any court in any jurisdiction.

4. I have never been censured, suspended or disbarred by any court in any jurisdiction.

5. I have read and am familiar with (a) the provisions of the Judicial Code (Title 28, U.S.C.) which pertain to the jurisdiction of, and practice in, the United States District Courts; (b) the Federal Rules of Civil Procedure; (c) the Federal Rules of Criminal Procedure; (d) the Federal Rules of Evidence; (e) the Local Rules of the United States District Court for the Southern and Eastern Districts of New York; (f) the New York State Lawyer's Code of Professional Responsibility as adopted from time to time by the Appellate Divisions of the State of New York.

6. I will faithfully adhere to all rules applicable to my conduct in connection with any activities in this Court.

7. For these reasons, I respectfully request that the Court grant my motion for admission pro hac vice.

8. I declare under penalty of perjury that the foregoing is true and correct. Executed on June 27, 2005.

MICHAEL WUKMER

INDY 1556813v.1

SUPREME COURT OF

THE STATE OF INDIANA

Certification

STATE OF INDIANA, SS:

I, David C. Lewis, Clerk of the Supreme Court of Indiana, do hereby certify that

MICHAEL ALLEN WUKMER

is a member of the bar of said Court since admission on OCTOBER 12th 1984, and is in good standing therein.

GIVEN under my hand and the seal of said Court at Indianapolis, Indiana, this 24th day of MAY, 20 05.

DAVID C. LEWIS
CLERK, SUPREME COURT OF INDIANA

EXHIBIT A

Francis J. Earley (FE-7520)
MINTZ, LEVIN, COHN, FERRIS,
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Attorneys for Australian Gold, Inc.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

S & L Vitamins, Inc., Plaintiff,	05 CV1217 (JS) (MLO)
vs.	
Australian Gold, Inc., Defendant.	**DECLARATION OF SCOTT MATTHEWS IN SUPPORT OF MOTION FOR PRO HAC VICE ADMISSION**

SCOTT MATTHEWS, pursuant to 28 U.S.C. § 1746, declares:

1. I am associated with the law firm of Ice Miller, Indianapolis, Indiana, attorneys for defendant Australian Gold, Inc. in the above-captioned matter. I submit this declaration in support of my application for admission pro hac vice.

2. I graduated from the Indiana University School of Law in 1998. I was admitted to the bar of the State of Indiana-Indiana Supreme Court in 1998. I have also been admitted to practice in the United States District Court For The Northern and Southern Districts of Indiana since November 9, 1998; the Seventh Circuit Court of Appeals in 2002 and the Tenth Circuit Court of Appeals in 2003. I have remained in good standing in all three of these jurisdictions since the dates of my admission. Attached hereto as Exhibit A is my Certificate of Good Standing issued by the State of Indiana on May 24, 2005.

3. I have never been held in contempt by any court in any jurisdiction.

4. I have never been censured, suspended or disbarred by any court in any jurisdiction.

5. I have read and am familiar with (a) the provisions of the Judicial Code (Title 28, U.S.C.) which pertain to the jurisdiction of, and practice in, the United States District Courts; (b) the Federal Rules of Civil Procedure; (c) the Federal Rules of Criminal Procedure; (d) the Federal Rules of Evidence; (e) the Local Rules of the United States District Court for the Southern and Eastern Districts of New York; (f) the New York State Lawyer's Code of Professional Responsibility as adopted from time to time by the Appellate Divisions of the State of New York.

6. I will faithfully adhere to all rules applicable to my conduct in connection with any activities in this Court.

7. For these reasons, I respectfully request that the Court grant my motion for admission pro hac vice.

8. I declare under penalty of perjury that the foregoing is true and correct. Executed on June 27, 2005.

SCOTT MATTHEWS

INDY 1556821v.1

SUPREME COURT OF
THE STATE OF INDIANA

SEAL OF THE STATE OF INDIANA
1816

Certification

STATE OF INDIANA, SS:

I, David C. Lewis, Clerk of the Supreme Court of Indiana, do hereby certify that

SCOTT D. MATTHEWS

is a member of the bar of said Court since admission on

NOVEMBER 9th 1998, and is in good standing therein.

GIVEN under my hand and the seal of said Court at Indianapolis, Indiana, this 24th day of MAY, 20 05.

DAVID C. LEWIS
CLERK, SUPREME COURT OF INDIANA

EXHIBIT A